UNITED
NATIONS

HRI

International
Human Rights
Instruments

Distr.
GENERAL

HRI/CORE/1/Add.111
11 December 2000

Original: ENGLISH

CORE DOCUMENT FORMING PART OF THE REPORTS OF STATES PARTIES

JAPAN

[6 December 2000]

CONTENTS

		Paragraphs	Page
I.	LAND AND PEOPLE	1 - 23	4
A.	Population, percentage of females and males in the population	1	4
B.	Land area	2 - 3	4
C.	Population density, annual population growth, population under 15 and over 65	4	4
D.	Average life expectancy, death rate, infant mortality rate, maternal mortality rate, birth rate	5	4
E.	Number of prefectures, urban population, number of cities, percentage of urban population	6	4

GE.01-40046 (E)

CONTENTS (continued)

		Paragraphs	Page
F.	The labour force population and percentage of the total population, rates of increase in the labour force, percentage of the population in the primary, secondary and tertiary sectors, percentage of the employed in the total population, unemployment rates	7 - 11	5
G.	GNP, GNP growth rate, per capita income, inflation rate	12 - 14	5
H.	External debt (liabilities)	15	6
I.	Economic assistance	16	6
J.	Number of persons aged over 15 years who have never attended school and as a proportion of the total number of persons of the same age	17	6
K.	Language and religion	18 - 23	6
II.	GENERAL POLITICAL STRUCTURE	24 - 42	7
A.	Political framework	24 - 27	7
B.	The legislature	28 - 31	7
C.	The executive	32 - 35	8
D.	The judiciary	36 - 37	8
E.	Local government	38 - 42	9
III.	GENERAL LEGAL FRAMEWORK FOR HUMAN RIGHTS PROTECTION	43 - 71	9
A.	Authorities which have jurisdiction affecting human rights	43 - 51	9
B.	Redress available to an individual who claims that her/his human rights have been infringed	52 - 55	11

CONTENTS (continued)

		Paragraphs	Page
C.	Protection and restriction of human rights by the Constitution	56 - 68	12
D.	Human rights instruments as part of the national legal system	69 - 70	14
E.	Institutions or national machinery with responsibility for overseeing the implementation of human rights	71	15
IV.	INFORMATION AND PUBLICITY	72 - 81	15

I. LAND AND PEOPLE

A. Population, percentage of females and males in the population

1. As of 1 October 1998, the total population of Japan was 126,486,000, of whom 64,568,000 were female (51.0 per cent) and 61,919,000 were male (49.0 per cent).

B. Land area

2. Japan is an arc-shaped island nation lying to the east of the Asian continent. To the north, beyond the Japan Sea and the Sea of Okhotsk, is Russia. To the south are the Philippines and Micronesia in the Pacific Ocean. To the west, beyond the Sea of Japan and the East China Sea, are the Korean Peninsula and China.

3. Japan has a land area of 377,835 square kilometres. The four large islands of Honshu (227,931 square kilometres), Hokkaido (77,980 square kilometres), Kyushu (36,724 square kilometres) and Shikoku (18,296 square kilometres) comprise 95 per cent of its territory.

C. Population density, annual population growth, population under 15 and over 65

4. As of 1 October 1998, the population density was 339 people per square kilometre. The annual population growth compared to the previous year was 0.3 per cent (0.3 per cent for females and 0.2 per cent for males). As of 1 October 1998, the population under 15 was 20,571,000 (10,033,000 females and 10,538,000 males); the population over 65 was 20,508,000 (11,991,000 females and 8,516,000 males).

D. Average life expectancy, death rate, infant mortality rate, maternal mortality rate, birth rate

5. In 1998, average life expectancy was 84.01 years for females and 77.16 years for males. The death rate per 1,000 was 7.5 (6.6 for females and 8.4 for males). The infant mortality rate per 1,000 live births was 3.6 and the maternal mortality rate per 100,000 deliveries was 6.9. The average number of births per woman was 1.38. (This figure is the sum of the birth rates by age for women aged 15 to 49. It indicates the average number of children per woman that would be borne in her lifetime assuming the birth rate by age in the future is constant.)

E. Number of prefectures, urban population, number of cities, percentage of urban population

6. Japan's local public entities consist of prefectures, cities, towns and villages. In 1998, Japan had 47 prefectures and 3,255 cities, towns and villages, including special wards. (A special ward is a kind of special local public entity. In order to ensure the unification of large cities, the objectives, structure and authority of the special wards are a little different from

those of ordinary cities, towns or villages. At present, Tokyo has 23 special wards.) There were 693 cities. (According to the Local Autonomy Law, of those cities, those with a population of more than 500,000 are so designated by Cabinet Order. At present, there are 12 "Cabinet - Order-designated cities", which are granted administrative and financial authority comparable to that of prefectures.) In 1998, the population of cities was 97,984,000, forming 78 per cent of Japan's population of 126 million. Japan has three main large cities, Tokyo, Nagoya and Osaka. The populations of the 50-square-kilometre areas around Tokyo, Nagoya and Osaka are 29,981,000, 8,639,000 and 16,177,000, respectively. The total population of these three large urban areas is 54,797,000, 43.6 per cent of Japan's total population.

F. The labour force population and percentage of the total population, rates of increase in the labour force, percentage of the population in the primary, secondary and tertiary sectors, percentage of the employed in the total population, unemployment rates

7. In 1998, the average labour force was 67,930,000, which was 53.7 per cent of the total population. The female labour force was 27,670,000 (42.9 per cent of the female population); the male labour force was 40,260,000 (65.1 per cent of the total male population).

8. The average rate of increase in the labour force in 1998 (change over the year in percentage) was 0.1 per cent. By gender, the rate was 0.3 per cent for females and 0.02 per cent for males.

9. In 1998, the average number of workers in the primary, secondary and tertiary sectors, as a percentage of the total population, was 2.7 per cent, 16.2 per cent and 32.3 per cent, respectively. By gender, the percentages were 2.4 per cent, 9.3 per cent and 29.3 per cent for females and 3.0 per cent, 23.5 per cent and 35.5 per cent for males.

10. On average, workers made up 51.5 per cent of the total population in 1998, 41.2 per cent for females and 62.3 per cent for males.

11. The average rate of unemployment was 4.1 per cent, 4.0 per cent for females and 4.2 per cent for males.

G. GNP, GNP growth rate, per capita income, inflation rate

12. The economic situation remained severe in 1998, as the Japanese economy continued to suffer the after-effects of the bubble economy. The GNP growth rate became negative, for the first time in the 24 years since 1974, and real GNP decreased by 2.3 per cent (compared with the previous year to ¥ 487.6 trillion (US$ 3.7 trillion). Moreover, per capita income decreased by 4.0 per cent, to ¥ 3,010,000 (US$ 23,600).

13. Consumer prices stabilized in 1998, rising only 0.6 per cent compared with the previous year, mainly owing to stagnant personal consumption, decline in the prices of international commodities such as oil, and deregulation.

14. Moreover, domestic wholesale prices weakened in 1998. They fell by 1.5 per cent compared with the previous year because of the decline in demand and the easing of supply and demand accompanying the gloomy domestic economy, and the precipitous decline in import prices because of the stagnation in the international market for commodities.

H. External debt (liabilities)

15. As of the end of 1999, Japan's liabilities amounted to ¥ 223.2 trillion (US$ 2.1 trillion), including direct investment of ¥ 4.7 trillion (US$ 46.2 billion), portfolio investment of ¥ 119.4 trillion (US$ 1,169.9 billion) and loans of ¥ 80.7 trillion (US$ 791.1 billion).

I. Economic assistance

16. In 1998, Japan disbursed bilateral aid totalling ¥ 126.4 billion, up 40.8 per cent over the year before. In dollar terms, that total measured $8.6 billion, for a corresponding gain of 30.1 per cent. In terms of total ODA disbursed, Japan has been the world's top donor among the 21 DAC (Development Assistance Committee) member countries for eight years in a row.

J. Number of persons aged over 15 years who have never attended school and as a proportion of the total number of persons of the same age

17. The number of persons aged over 15 years who have never attended school was 218,000 in 1990, of which females made up 147,000 and males 71,000. The ratio of these persons to the total number of persons of the same age was 0.2 per cent; by gender, females 0.3 per cent and males 0.1 per cent. (Note: The category "Persons who have never attended school" refers to those who have never attended or have stopped attending elementary school.)

K. Language and religion

1. Language

18. Japan's official language is Japanese.

19. The Ainu, who lived in Hokkaido before the arrival of Wajin, (i.e. all other Japanese, except the Ainu themselves), continue to make efforts to pass on their own language.

20. The number of people who speak the Ainu language is not clearly known, although their population in Hokkaido was estimated at 23,767 according to the Survey on the Hokkaido Utari Living Conditions conducted by the government of Hokkaido Prefecture in 1999.

21. As of the end of 1998, the number of foreigners with alien registration in Japan was 1,512,000. According to nationality or place of origin, Koreans made up 639,000, accounting for 42.2 per cent of the total, followed by Chinese 272,000 (18.0 per cent), Brazilians 222,000 (14.7 per cent), Filipinos 105,000 (7.0 per cent), United States citizens 43,000 (2.8 per cent) and Peruvians 41,000 (2.7 per cent).

22. As of 1 May 1998, the number of foreign students was 150,000 or 0.7 per cent of the total number of students (21,317,000).

2. Religion

23. As of the end of 1998, the number of members of Shinto religious organizations was 106,152,000, that of Buddhist sects 96,130,000, Christian churches and groups 1,762,000, and other religious organizations 11,019,000. The reason why these figures exceed the total population is that it is possible for individuals to have been included in the totals of more than one religious organization.

II. GENERAL POLITICAL STRUCTURE

A. Political framework

24. The framework of Japanese politics has been formed on the basis of what is commonly known as the separation of legal, administrative and judicial powers, and on parliamentary democracy.

25. The Japanese Constitution proclaims that sovereign power resides with the people, and stipulates that the Diet shall be the highest organ of State power (art. 41), the executive power shall be vested in the Cabinet (art. 65) and the judicial power shall be vested in the courts (art. 76). For the relationship between the Diet and the Cabinet, a so-called parliamentary cabinet system has been adopted.

26. Based on the principles of autonomy of local public entities and autonomy of residents, the local public entities have independent authority separate from the central organs, particularly regarding administrative power (arts. 92-95).

27. Chapter 4 of the Constitution (arts. 41-64) stipulates provisions concerning the Diet, chapter 5 (arts. 65-75) for the Cabinet and chapter 6 (arts. 76-82) for the judiciary.

B. The legislature

28. The Diet consists of the House of Representatives and the House of Councillors, both of which consist of elected members, representatives of all the people (art. 42 and art. 43, para. 1).

29. The right to vote in elections has been equally granted to any Japanese national, both female and male, aged 20 years or over. Eligibility to become a member of the House of Representatives is granted to any Japanese national aged 25 years or over, while to become a member of the House of Councillors candidates must be aged 30 years or over.

30. The Constitution stipulates that the term of office of members of the House of Representatives shall be four years (however, the term shall be terminated before the full term is up in the case the House of Representatives is dissolved); whereas that of members of the House of Councillors shall be six years (election for half the members shall take place every three years) (arts. 45 and 46).

31. The number of seats in the House of Representatives is 480; 300 members are elected in accordance with the single-seat constituency system and the remaining 180 are elected according to the proportional representation system which divides the nation into 11 constituencies. For the House of Councillors, the number of seats is 242; 96 members are elected in accordance with the proportional representation system and the remaining 146 are elected by 47 prefectural constituencies.

C. The executive

32. The Cabinet consists of the Prime Minister and other ministers of State (art. 66, para. 1).

33. Under the current system, one office and 22 ministries and agencies have been established under the Cabinet (Prime Minister's Office, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education, Science and Culture, Ministry of Health and Welfare, Ministry of Agriculture, Forestry and Fisheries, Ministry of International Trade and Industry, Ministry of Transport, Ministry of Posts and Telecommunications, Ministry of Labour, Ministry of Construction, Ministry of Home Affairs, Management and Coordination Agency, Hokkaido Development Agency, Defence Agency, Economic Planning Agency, Science and Technology Agency, Environment Agency, Okinawa Development Agency, National Land Agency, National Public Safety Commission, Financial Reconstruction Commission). However, according to the Basic Law on the Administrative Reform of the Central Government, which was passed in 1998, those ministries and agencies are to be reorganized into one office and 12 ministries and agencies in 2001.

34. Also established have been the National Personnel Authority, Fair Trade Commission, Environmental Disputes Coordination Commission, National Bar Examination Administration Commission, Public Security Investigation Agency and two labour relations commissions.

35. Japan has adopted a civil service system, and in the national Government and local public entities civil servants handle administrative affairs.

D. The judiciary

36. Judicial power is entirely vested in the courts (art. 76, para. 1). According to the Constitution, all judges shall be independent in the exercise of their authority and shall be bound only by the Constitution and the laws (art. 76, para. 3). Judges shall not be removed except by public impeachment unless declared by a court to be mentally or physically incompetent to perform their official duties. No disciplinary action against judges shall be administered by any executive organ or agency (art. 78). The Diet shall set up an impeachment court from among the members of both Houses for the purpose of trying those judges against whom removal proceedings have been instituted (art. 64). The appointment of judges of the Supreme Court shall be reviewed by the people at the first general election of members of the House of Representatives following their appointment, and shall be reviewed again at the first general election of members of the House of Representatives after a lapse of 10 years, and in the same manner thereafter. When the majority of the voters favours the dismissal of a judge, she/he shall be dismissed (art. 79, paras. 2, 3, and 4).

37. The system of courts includes the Supreme Court and lower courts (high courts, district courts, family courts and summary courts). The Supreme Court consists of a Chief Judge and 14 judges. A three-trial system has been adopted in principle, and a retrial may be carried out even after a trial has been carried out in cases where there are certain grounds provided by the laws. Also, as a rule, the trial shall be conducted, and judgement declared, publicly (art. 82, para. 1).

E. Local government

38. The Constitution stipulates that "Regulations concerning organization and operations of local public entities shall be fixed by law in accordance with the principle of local autonomy" (art. 92), and accordingly, the Local Autonomy Law was established in 1947.

39. Local public entities mainly include the 47 prefectures and 3,255 cities, towns and villages (as of 1988).

40. Each local public entity has an assembly and a chief executive officer (governor, mayor, etc.). An assembly consists of members elected by vote of residents, and its primary responsibility is to enact, amend or abolish ordinances within the laws, decide budgets and approve final accounts.

41. The chief executive officers of local public entities are also elected by vote of residents and they execute the affairs of the local public entities, including administration of ordinances, submission of bills and budgets to the assembly and establishment of regulations.

42. The local Autonomy Law provides for the local residents' right to make direct demands to the local public entities. Direct demands may be filed to call for the enactment, amendment or abolishment of ordinances, the auditing of affairs, the dissolution of the assembly, and the recall of assembly members or head of the local public entity.

III. GENERAL LEGAL FRAMEWORK FOR HUMAN RIGHTS PROTECTION

A. Authorities which have jurisdiction affecting human rights

1. The courts

43. In principle, the courts have the authority to judge all legal cases and to determine the constitutionality of any law, order, regulation or official act related to specific cases (art. 81).

44. On the other hand, no person shall be denied the right of access to the courts, and any person has the right to bring a lawsuit to the courts regarding civil or executive action. For criminal cases, punishment shall be determined only by the judgement of the courts (art. 32, etc.). Particularly for criminal cases, the accused shall enjoy the right to a speedy and public trial by an impartial tribunal (art. 37, para. 1).

45. Under such guarantees as the right to access to the courts, and by the exercise of the above-mentioned rights, the courts fulfil a role in ensuring the protection of fundamental human rights.

2. Human rights organs of the executive

46. The Civil Liberties Bureau of the Ministry of justice as well as the Regional Legal Affairs Bureau and the District Legal Affairs Bureau under the Civil Liberties Bureau are among the organs of the executive with jurisdiction in relation to human rights. In additional to these, civil liberties commissioners, appointed by the Minister of Justice, engage in human rights promotion activities in their cities, towns and villages nationwide. These human rights organs carry out various activities to protect and promote human rights.

47. Through various opportunities such as "Human Rights Week" human rights organs of the Ministry of Justice hold lectures and movie-showings on human rights, release public relations material through TV, newspapers and other mass media, as well as produce and distribute posters and pamphlets, so as to raise awareness of human rights among the people.

48. Moreover, regional/district legal affairs bureaux, staff and civil liberties commissioners provide human rights counselling services on a permanent basis in the bureaux as well as on a temporary basis in city, town or village offices, department stores, public halls, etc. Counselling services are provided free of charge and all information received in the course of counselling is kept strictly confidential.

49. In the event that a human rights organ recognizes a suspected infringement of human rights, it immediately conducts an investigation, treating it as a human rights infringement case, and examines whether or not the infringement actually took place. Subsequently, based on the results of the investigation, it takes appropriate measures and raises awareness of human rights among the people concerned, so that human rights can be protected.

50. Also, in order to guarantee in full the right of access to the courts to those who lack the financial resources to afford the legal expenses of civil lawsuits (including foreigners residing in Japan), the Civil Liberties Bureau has been granting subsidies to the Legal Aid Association, an incorporated foundation under the auspices of the Ministry of Justice since 1958, so that those people can get civil legal aid and legal counselling services.

51. Japan enacted the law of Promotion of Measures for Human Rights in December 1996, which provides for obligations of the State to promote measures for human rights protection. The Council for Human Rights Promotion established in the Ministry of Justice according to the aforementioned law submitted a report in July 1999 concerning "the basic issues for the comprehensive promotion of educational and promotional measures to strengthen public understanding of the concept of respect for human rights". The Council is continuing research and deliberations on "basic issues for the improvement of relief measure for the victims of human right infringement".

B. Redress available to an individual who claims that her/his human rights have been infringed

1. The judiciary

(a) Criminal procedure as a redress for human rights infringement

52. If an act of infringement of human rights corresponds to a crime, a person who has been injured by the crime may file a complaint and any person may lodge an accusation which requests law enforcement to prosecute the crime. Also, as an appeal in case of arrest or detention due to a suspected crime, a request may be made for disclosure of the grounds for detention, cancellation of detention, a quasi-Kokoku-appeal (an appeal against the decision of a judge) and a Kokoku-appeal (an appeal against the decision of the court) against the decision concerning the detention. In the case of a conviction, the convicted shall have the rights of appeal and may file a Koso-appeal (an appeal to an appellate court against the judgement (the decision of the court concerning the verdict and the sentence) of the ruling court) of a Jokoku-appeal (in principle an appeal up to the Supreme Court against the judgement of the appellate court) in accordance with the respective instance. Regarding decisions other than the judgement, the suspect or the accused may request a correction of the proceedings by filing a Kokoku-appeal, a quasi-Kokoku-appeal, or a special Kokoku-appeal (a special appeal to the Supreme Court claiming a violation of the Constitution and so forth). Even after the above-mentioned appeals have been exhausted in response to a conviction, the convicted person may request a retrial (all the above-mentioned procedures are provided for in the Code of Criminal Procedure). Regarding decisions of educative disciplinary measures involving juveniles, in accordance with the Juvenile Law the juvenile may appeal against the decision.

(b) Administrative litigation and civil lawsuits as redress for human rights infringement

53. In the case that the human rights violation is an action of an administrative agency, administrative litigation may be brought demanding cancellation of an administrative measure, or a lawsuit may be brought claiming redress from the State for the human rights violation. Also, in cases where the subject suffering a human rights infringement is an individual, a civil lawsuit demanding the cessation of the act of infringement or compensation for damages caused by the human rights infringement can be brought.

(c) Relief by the Protection of Personal Liberty Act

54. The Protection of Personal Liberty Act was enacted for the purpose of recovering speedily and easily by judicial trial the liberty of a person who has been unjustly violated. Those who are detained without adequate cause may claim relief to a high court or a district court. In addition, anyone may make an appeal on behalf of the detained person. A court may release the person, setting conditions or taking other measures in order to ensure that the person does not flee. If the court decides that the claim is justified, it shall release the detained person immediately. She/he may appeal against the judgement of the lower courts to the Supreme Court within three days.

2. Human rights organs of the executive

55. A person who has had her/his human rights violated may be provided with the necessary remedies by judicial organizations; in addition, she/he may file a complaint about the human rights violation with the human rights organs of the Ministry of Justice. On receiving such complaints, the human rights organs investigate to determine whether or not the alleged human rights violation has actually occurred. If they recognize, as a result of investigation, that an actual infringement took place, they take appropriate measures in accordance with each case. For example, they may urge the violator of human rights to stop the human rights infringement, or to improve the situation causing it, or warn the violator not to let the same situation happen in the future, or educate the violator about the significance of the fundamental human rights and make her/him aware of the necessity of respecting human rights. Although these measures are not binding, they aim at realizing a practical solution through simple procedures.

C. Protection and restriction of human rights by the Constitution

1. Protection of human rights by the Constitution

56. The Constitution provides that the fundamental human rights are "fruits of the age-old struggle of persons to be free" and "are conferred upon this and future generations in trust, to be held for all time inviolate" (art. 97), and "The freedoms and rights guaranteed to the people by this Constitution shall be maintained by the constant endeavour of the people" (art. 12).

57. With regard to equality, the Constitution stipulates that "All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin" (art. 14, para. 1). In addition, it prohibits peers and peerage (art. 14, para. 2); guarantees universal suffrage (art. 15, para. 3) and individual dignity pertaining to the family and the essential equality of the sexes (art. 24); specifies the qualifications of members of both Houses and their electors (art. 44); and provides for the right to receive an equal education (art. 26, para. 1).

58. For the rights and freedoms, the Constitution stipulates freedom of thought and conscience (art. 19) and guarantees freedom of religion (art. 20) as well as academic freedom (art. 23). It also guarantees freedom of assembly and association as well as of speech, the press and all other forms of expression (art. 21, para. 1). For the right to liberty of person, it prohibits bondage and involuntary servitude (art. 18). No person shall be subjected to any criminal penalty except according to procedures established by law (art. 31), nor shall anyone be apprehended except upon warrant issued by a judge, unless she/he is apprehended while the offence is being committed (art. 33, etc.). The right of all persons to be secure in their homes, papers and effects against entries, searches and seizures shall not be impaired except upon a warrant issued by a judge, or except as provided for by article 33 (art. 35, etc.). No person shall be arrested or detained without being at once informed of the charges against her/him or without the immediate privilege of counsel, nor shall she/he be detained without adequate cause (art. 34). The infliction of torture by any public officer and cruel punishments are absolutely prohibited (art. 36). The accused in all criminal cases shall enjoy the right to a speedy and public trial by

an impartial tribunal; be permitted full opportunity to examine all witnesses; have the right of compulsory process for obtaining witnesses on her/his behalf at public expense; and have the assistance of competent counsel (art. 37). Moreover, no person shall be compelled to testify against himself; confession made under compulsion, torture or threat, or after prolonged arrest or detention shall not be admitted in evidence; and no person shall be convicted or punished in cases where the only proof against her/him is her/his own confession (art. 38, para. 1). No person shall be held criminally liable for an act which was lawful at the time it was committed, nor shall be placed in double jeopardy (art. 39).

59. The Constitution provides for every person's freedom to choose and change her/his residence and choose her/his occupation (art. 22, para. 1), property rights (art. 29, paras. 1 and 2), and freedom to move to a foreign country and divest herself/himself of her/his nationality (art. 22, para. 2).

60. All people shall have the right to maintain the minimum standards of wholesome and cultured living (art. 25, para. 1). In all spheres of life, the State shall endeavour to promote and extend social welfare, security and public health (art. 25, para. 2). Also, "All people shall have the right to receive an equal education correspondent to their ability (art. 26, para. 1), and "compulsory education shall be free" (art. 26, para. 2). The Constitution stipules the right to work and standards for wages, prohibits exploitation of children (art. 27) and guarantees the right of workers to organize and to bargain and act collectively (art. 28).

61. Every person may sue for redress as provided by law from the State or a public entity if she/he has suffered damage through the illegal act of any public official (art. 17). Any person acquitted after arrest or detention as a result of a criminal trial may sue the State for redress (art. 40). In the case of expropriation of land for the purpose of establishing social infrastructure, the people who suffer losses as a result of the activities of the State or local public entities may demand compensation (art. 29, para. 3).

62. The Constitution provides that "The people have the inalienable right to choose their public officials and to dismiss them," and guarantees universal adult suffrage and stipulates secrecy of the ballot (art. 15). The right to vote and the right to be elected by vote are as explained in sections II.B and II.E above. The Constitution stipulates the review of the Supreme Court judges by the people (art. 79, paras. 2, 3 and 4), the approval of residents of local public entities for the enactment of special laws (art. 95), and the approval of the people for amendments to the Constitution (art. 96). It also provides for the right of peaceful petition for the redress of damage, for the removal of public officials, for the enactment, repeal or amendments of laws, ordinances or regulations and for other matters (art. 16). Demand for dissolution of the assembly of a local public entity and recall of assembly members or a chief executive officer is as explained in section II.E above.

63. Other than those mentioned above, the "human rights" referred to in various human rights treaties adhered to by Japan are guaranteed by various laws and regulations.

2. Restriction of human rights

64. Article 11 of the Constitution states that "The people shall not be prevented from enjoying any of the fundamental human rights. These fundamental human rights guaranteed to the people by this Constitution shall be conferred upon the people of this and future generations as eternal and inviolate rights." Article 12 stipulates that "The freedoms and rights guaranteed to the people by this Constitution shall be maintained by the constant endeavour of the people, who shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare," and article 13 provides that "All of the people shall be respected as individuals. Their rights to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs."

65. These articles imply that human rights are not eternal and inviolable, but may be restricted by their inherent nature so that conflicting fundamental human rights can be coordinated. For example, the punishment for infringing on other people's honour may restrict the freedom of expression, but it is inevitable if other people's honour is to be protected. This kind of restriction can be explained under the concept of "public welfare".

66. Therefore, there is no room for restriction under the concept of "public welfare" on all those human rights which bear no possibility of interfering with other people's rights. The freedom of inner thought and conscience (art. 19), for example, is interpreted to be absolute and no restrictions are permitted.

67. Furthermore, as to whether laws and regulations restricting human rights can be justified in light of the "public welfare", court precedents permit relatively broader discretion by the legislature in enacting laws and regulations which restrict economic liberties such as the freedom of business. On the other hand, they employ strict criteria in interpreting those laws which restrict freedom of thought, permitting the legislature little discretion.

68. The concept of "public welfare" has been thus defined by court precedents and depends on the inherent nature of each right, as the Constitution has no provisions articulating the "public welfare". There should therefore be no room for arbitrary use of the concept of "public welfare" by the State.

D. Human rights instruments as part of the national legal system

69. As provided for in article 98, paragraph 2, of the Constitution ("The treaties concluded by Japan and established laws of nations shall be faithfully observed."), treaties, including the human rights treaties, that were ratified by Japan and promulgated shall have legal effects as part of its internal law. The Constitution is the supreme law of Japan and it supersedes all treaties in domestic effect.

70. Whether or not to apply directly provisions of treaties should be judged in each specific situation, taking into consideration the purpose, meaning and wording of the provisions concerned.

E. Institutions or national machinery with responsibility for overseeing the implementation of human rights

71. The human rights organs of the Ministry of Justice gather information on human rights infringements. When they identify a suspected case of infringement they immediately conduct an investigation, regarding it as a human rights infringement case, and examine whether or not the suspected infringement actually took place. Subsequently, based on the results of the investigation, they take appropriate measures for each case and make the people concerned aware of the importance of human rights, so that protection of human rights can be ensured.

IV. INFORMATION AND PUBLICITY

72. Subjects relating to human rights have been introduced into the curriculum of training programmes for public officers, so that the concept of human rights treaties can be fully understood by them. In particular, for those officers whose duties are closely related to human rights issues, such as public prosecutors, police officers, officers of correctional institutions, immigration officers, probation officers and officers of regional legal affairs bureaux, training programmes focusing on various subjects concerning human rights treaties are provided.

73. Judges, public prosecutors or lawyers need to complete training programmes at the Legal Training and Research Institute before their appointment, and curricula containing human rights treaties are included in those programmes. In addition, after becoming judges, they continue to study themes relating to human rights treaties.

74. For teachers, training programmes focusing on various subjects concerning human rights treaties are provided.

75. Most of the publicly available law books contain the Japanese version of the human rights treaties that Japan has adhered to thus far, so people can easily obtain information on those treaties.

76. Both the Ministry of Justice and the Ministry of Foreign Affairs publish and distribute pamphlets on the human rights treaties Japan has adhered to. In addition, the latter has on its home page (http://www.mofa.go.jp/mofaj/gaiko/chikyu/jinken/) those human rights treaties as well as the government reports on the treaties and their background, which are also available in English (http://www.mofa.go.jp/policy/global/human/).

77. Some of the human rights treaties Japan has adhered to have been translated into various languages for the benefit of foreigners and other groups residing in Japan and distributed to prefectures and major cities designated by the Government, and to the ministries and agencies concerned.

78. With regard to the Convention on the Elimination of All Forms of Discrimination against Women, the Prime Minister's Office has prepared leaflets and posters on the Convention and distributed them to prefectures and various women's organizations. Also, the Office for Gender Equality of the Prime Minster's Office provides information on the Convention on its home page (http://www.sorifu.go.jp/danjyo/).

79. The Government has fully recognized the importance of various grass-roots activities relating to human rights treaties and during the process of the preparation of the government reports on the human rights treaties, the Government gathers public opinion by holding meetings with NGOs, etc.

80. In the preparation of the government reports, the ministries and agencies concerned make the necessary preparations on the issues with which they are concerned, and the Ministry of Foreign Affairs incorporates them into a report and submits it to the Secretary-General of the United Nations and other relevant organizations.

81. The government reports are published on the Ministry of Foreign Affairs home page and in addition are distributed to the members of Parliament as well as to people who are interested in them and to NGOs. The reports are also published in newspapers and in NGO magazines.